

#### REMARKS/ARGUMENTS

Claim 10 has been canceled. Claims 7-9 and 11-15 are active in the case.

Reconsideration is respectfully requested.

The present invention relates to solid pigment preparations.

#### Claim Amendments

Percent ranges have been changed in Claim 9. Support for the changes can be found on page 11, lines 8-10 of the specification. The changes to Claim 9 obviate the issue raised under 35 USC 112. The changes do not introduce new matter into the case. Entry of the amendments into the record is respectfully requested.

#### Invention

The present invention is directed to a pigment preparation which exhibits advantageous properties including high color strength and good dispersibility in a wide variety of materials. The pigment preparation also exhibits excellent attrition resistance, a minimal tendency to compact or clump, uniform particle size distribution, good pourability, flowability and meterability, and also dustlessness when handled. The preparation of the invention is a combination of 60 to 95 % by wt pigment (A) with two types of surfactants (B) and (C) of which (B) is at least one water-soluble anionic surface-active additive, which is present in an amount of 5 to 40 wt % and (C) is at least one nonionic surface-active additive in an amount of 0 to 20 wt %.

#### Claim Rejection, 35 USC 102

Claims 7, 8 and 12-15 stand rejected based on 35 USC 102(b) as anticipated by Takahashi et al, U. S. Patent 4,234,466. This ground of rejection is respectfully traversed.

Applicants note first that the Examiner considers Claim 1 (patent or present application?) to be a product-by-process claim. This is not correct. If the Examiner refers to original Claim 1 of the present application, the same indisputably is a product claim with no process limitations. On the other hand, if Claim 1 of the patent is meant, Claim 1, as well as all other claims of the patent, are drawn to a process. There does not appear to be a product-by-process claim under consideration.

In the following discussion, applicants refer to the process disclosed in Takahashi et al for the purpose of showing just how different the claimed product of the present invention is from the pigmented product disclosed in the patent. As patentees describe in column 2, lines 25-32 of the patent, the solid pigment dispersed composition is prepared by subjecting a liquid composition comprised of at least one ethylenically unsaturated compound, at least one resin dissolved or dispersed therein and at least one pigment to suspension or bulk polymerization. This procedure of the patent results in a pigment which is coated by a polymer which is water insoluble. Obviously, the combination of the resin component and polymerized ethylenically unsaturated polymerizable compound results in this solid coating of the pigment in the composition. Claim 1 of the patent makes it clear that the pigmented product of the patent is prepared by dispersing at least one pigment in a liquid material that is comprised of the ethylenically unsaturated polymerizable compound with at least one pigment dissolved or dispersed therein, and then, upon polymerization, a product is isolated, washed and dried to give the desired solid spherical particulate product, which is preferably crushed for practical use (col 5, lines 27-32). Accordingly, it is clear that the particulate product of the patent is not comprised of a water soluble anionic surface active agent. In fact, the particulate product of the patent can be considered to be a coated pigment which is not what is claimed in present Claim 7.

Still further, it can readily be observed from the data of examples in Tables 1-3 of the patent, that the resin/monomer:pigment ratio ranges from 4:1 to 10:1 which is contrary to the percentage ranges of 60 to 95 wt % of pigment (A) and 5 to 40 wt % of water soluble anionic surface active agent of present Claim 7. The plain facts are that the particulate pigmented product of the patent is not the composition of present Claim 7 in which, fundamentally, 60 to 95 wt % of at least one pigment is combined with 5 to 40 wt % of at least one water soluble anionic surface active agent. Accordingly, the rejection of the claims is believed obviated and withdrawal of the rejection is respectfully requested.

It is believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

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